

**Senate Bill No. 1745**

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Passed the Senate August 31, 2006

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*Secretary of the Senate*

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Passed the Assembly August 28, 2006

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add Section 53.5 to the Civil Code, relating to discrimination.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1745, Kuehl. Employment discrimination: victims of violence.

Existing law makes it a crime to engage in specified acts of domestic violence, sexual assault, and stalking.

This bill would provide that it is against the public policy of the state for an employer of one or more employees to harass an individual, and for an employer of 5 or more employees to harass, refuse to hire or employ, discharge, or otherwise discriminate against a person, because he or she is a victim of domestic violence, sexual assault, or stalking, as defined.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares the following:

(a) Domestic violence, sexual assault, and stalking affect many persons without regard to age, race, national origin, sexual orientation, or socioeconomic status. Twenty-one percent of full-time employed persons surveyed identified themselves as victims of domestic violence.

(b) Studies show that up to one-half of domestic violence victims experience job loss. Forty percent reported on-the-job harassment. Nearly 50 percent of the sexual assault survivors lose their jobs or are forced to quit in the aftermath of the assaults.

(c) Retaining employment is vital to independence and recovery for victims of domestic violence, sexual assault, and stalking.

(d) Law enforcement faces obstacles in successfully investigating and prosecuting violent criminals when victims fear adverse employment actions.

(e) Employers have the tools, including workplace protective orders issued under Section 527.8 of the Code of Civil Procedure, to maintain workplace safety without terminating or discriminating against victims of domestic violence.

SEC. 2. Section 53.5 is added to the Civil Code, to read:

53.5. (a) It is against the public policy of the state for any employer of one or more employees to harass any individual, or for any employer of five or more employees to harass, refuse to hire or employ, discharge, or otherwise discriminate against any individual in compensation, or in other terms, conditions, or privileges of employment, because the individual is a victim of domestic violence, sexual assault, or stalking. For purposes of this section, “domestic violence” means any of the types of abuse set forth in Section 6211 of the Family Code. “Sexual assault” means any of the acts that constitute the crimes set forth in Section 261, 261.5, 262, 265, 266, 266a, 266b, 266c, 266g, 266j, 267, 269, 273.4, 285, 286, 288, 288a, 288.5, 289, or 311.4 of the Penal Code. “Stalking” means any of the acts that constitute the crimes set forth in Section 646.9 of the Penal Code.

(b) Nothing in this section is intended to make unlawful any action that an employer demonstrates is necessary and effective to ensure workplace safety.

Approved \_\_\_\_\_, 2006

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*Governor*